

## Express Terms

### Title 13, ARTICLE 3.2. REGISTRATION OF VESSELS

#### **§190.32. Application for Appointment as an Undocumented Vessel Registration Agent.**

(a) An applicant for appointment as an Undocumented Vessel Registration Agent shall submit to the department an Application for Appointment and Agreement as a Non-Public Undocumented Vessel Registration Agent, Form OL 54 (9/94) (Rev. 3/2003).

(1) Another department-approved version of this form with a different revision date shall be acceptable if the content of the form is in substantial compliance with the requirements of this section.

(b) The Application for Appointment and Agreement as a Non-Public Undocumented Vessel Registration Agent shall contain the following information:

(1) Information specifying the reason the application is being submitted.

(A) An application shall be submitted for the original appointment, change of name or address, change of ownership structure, or when adding a branch location.

(2) The business name, address and telephone number.

(3) The days and hours the business is open for business and the days the business is closed.

(4) The nature of the business.

(5) ~~The date the organization was established.~~ The applicant's Board of Equalization resale number (including a copy of the resale permit).

(6) ~~An indication of how the business is structured.~~ The limited liability company or corporate number.

(7) ~~The date and state of incorporation, when the business is incorporated.~~ An indication of how the business is structured.

(8) The name, residence address, telephone number, and driver license or identification card number of the owner, each partner, ~~or~~ each of the corporation's principal officers, or all association representatives depending on the business structure.

~~(A) When the business is a corporation, the application shall also include the corporate officer title of each of its principal officers.~~

(9) ~~An explanation of the bankruptcy, including the date and court of jurisdiction, if the applicant, any partner or officer has ever declared bankruptcy.~~ An indication as to

whether the applicant, any partner, or corporate officer has ever been a Vessel Registration Agent for the state, has ever been a yacht and ship broker, or has ever been a Department of Motor Vehicles Occupational Licensee, and, if so, the license number and date of the license.

(10) ~~An explanation~~ indication as to whether the applicant of the offense, including court information such as the charge, disposition, and, if available, the police arrest report, if the applicant, any partner or officer has ever been convicted of any misdemeanor or felony offense including the dates of offense and court information.

(11) ~~An indication as to whether the applicant, any partner, or corporate officer has ever been a Vessel Registration Agent for the state, has ever been a yacht and ship broker, or has ever been a Department of Motor Vehicles Occupational Licensee, and, if so, the license number and date of the license.~~ An explanation of the bankruptcy, including the date and court of jurisdiction, if the applicant, any partner or officer has ever declared bankruptcy.

(12) ~~The applicant's Board of Equalization resale number.~~

(13) (12) A certification that the information provided on the application is true and correct, and an agreement to comply with the department's requirements as set forth in the Agreement of for Appointment as an Undocumented Vessel Registration Agency to Represent the California Department of Motor Vehicles, Form OL 261 (11/94) 54 (REV. 3/2003) page 2.

(A) The certification and agreement shall be dated and signed under penalty of perjury under the laws of the State of California by the sole proprietor, all individual partners of a co-partnership, or all principal officers of the corporation, depending on the business structure.

(B) When the business is a corporation, the application shall also include the corporate officer title of each of its principal officers.

NOTE: Authority cited: Sections 1651 and 9858, Vehicle Code. Reference: Sections 9858 and 9859, Vehicle Code.

#### **§190.34. Responsibilities of Undocumented Vessel Registration Agents.**

(a) Each Undocumented Vessel Registration Agent shall agree to assume, as a condition of appointment, the following responsibilities:

- (1) Maintain an established place of business.
- (2) Be engaged in an activity directly related to boating.

- (3) Display a means of identification which will clearly indicate to the public the name of the business. Each separate branch of the business which will be authorized to conduct registration of vessels shall display such means of identification.
- (4) Maintain all supplies at the business location described on the Application for Appointment and Agreement as a Non-Public Undocumented Vessel Registration Agent, Form OL 54 ~~(9/94)~~ (REV. 3/2003).
- (5) Make available for review all accountable vessel registration items upon demand by an authorized department employee. Accountable vessel registration items shall include any item bearing a serial number and having a value attached to it.
- (6) Notify the Department of Motor Vehicles, Occupational Licensing Unit, P.O. Box 932342, Sacramento, CA 94232-3420, in writing no later than the first business day following the event of any of the following:
  - (A) Sale of business or change of terms in the agreement for appointment.
  - (B) Change of business structure, including the addition or deletion of partners or corporate officers.
  - (C) Change of business name or address.
  - (D) Adding or deleting a branch location.
  - (E) Lost or stolen accountable vessel registration items.
- (7) Upon sale or termination of the business, all accountable vessel registration supplies, applications, and fees shall be forwarded to the department no later than the first business day following the sale or termination.

NOTE: Authority cited: Sections 1651 and 9858, Vehicle Code. Reference: Sections 9858 and 9859, Vehicle Code.

#### **§190.36. Duties of Undocumented Vessel Registration Agents.**

- (a) Each Undocumented Vessel Registration Agent shall agree to assume, as a condition of appointment, the following duties:
  - (1) Accept applications and fees for registration and transfer of vessels and issue Permanent Vessel Numbers, Temporary Certificates of Number, and vessel stickers to applicants.
  - (2) Forward a report every seven days listing all vessel registration transactions received during the previous seven days, accompanied by each application listed on the report and a single check or money order for all fees received for the registration of a

vessel, to the address designated by the department no later than the close of business on the date shown on the report.

(A) The report shall be prepared on the Transmittal Record of Vessel Agent Registration Applications, Form ADM 173-1 (10/94) provided by the department. Another department-approved version of this form with a different revision date shall be acceptable if the content of the form is in substantial ~~complaint~~ compliance with the requirements of this section.

(B) The Transmittal Record of Vessel Agent Registration Applications shall be completed in ink and shall include the following information: the business name, address, and telephone number; the agent's number; date submitted; the vessel's CF number, or, if a new vessel, the hull identification number or the last name of the registered owner; the amount of cash, check, or credit media collected; the number of the sticker issued; miscellaneous receipts issued for transactions such as transfers, duplicates, etc.; an indication of whether a credit or refund is desired; an indication of the preferred delivery method; the total number of items by type submitted with the transmittal bundle; an authorized signature; and, the printed name of the person signing the report.

(C) All accountable items issued shall be listed on the transmittal in numerical order.

(D) Each registration transaction processed shall be entered on the transmittal immediately after the receipt has been written.

(E) Three copies of the transmittal shall be sent weekly to the department, and the agent shall retain a fourth copy.

(F) A Transmittal of Vessel Agent Registration Applications shall be submitted indicating, "No transactions during week of xx/xx/xx" when no transactions have occurred during the week.

(3) Process the types of vessel registration transactions indicated on the Agreement ~~of for~~ Appointment as an Undocumented Vessel Registration Agency to Represent the California Department of Motor Vehicles, Form OL 261-(11/94) 54 (REV. 3/2003) page 2.

(A) These transactions shall include either or both: original vessel registration for new boats; or, vessel ownership transfer applications for used boats, registration renewals and applications for duplicate certificates and stickers.

(B) Agents shall register only those vessels they sell.

(4) Complete and provide a Quarterly Physical Inventory of Accountable Items, Form BOAT 124-1 (12/94) by the fifth day of January, April, July, and October. Another department-approved version of this form with a different revision date shall be

acceptable if the content of the form is in substantial compliance with the requirements of this section.

(A) The Quarterly Physical Inventory of Accountable Items shall include a listing of receipts for new and used boats, as evidenced by the beginning and ending number of Certificates of Number and Temporary Certificates of Numbers issued, and the number of each on hand; a listing of the number of vessel stickers issued, as evidenced by the beginning and ending number of stickers issued and the number on hand, a listing of void receipts, and an authorized signature.

NOTE: Authority cited: Sections 1651 and 9858, Vehicle Code. Reference: Sections 9858 and 9859, Vehicle Code.

**§190.38. Agreement for Appointment as an Undocumented Vessel Registration Agent.**

(a) Each applicant for appointment as an Undocumented Vessel Registration Agent shall complete an Agreement for Appointment as an Undocumented Vessel Registration Agency to Represent the California Department of Motor-Vehicles, Form OL ~~261 (11/94)~~ 54 (REV. 3/2003) page 2 on which the owner, all partners of a co-partnership, or all principal officers of a corporation, agree to assume the duties and responsibilities which are outlined in the agreement and reflect the requirements specified in the Vehicle Code and in regulation.

(1) Another department-approved version of this form with a different revision date shall be acceptable if the content of the form is in substantial compliance with the requirements of this section.

NOTE: Authority cited: Sections 1651 and 9858, Vehicle Code. Reference: Sections 9858, 9858.1 and 9859, Vehicle Code.